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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on the below date:

Date: June 14, 2006

Name: Steven P. Shurtz

Signature: Steven P. Shurtz

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: James R. Maxwell et al.

Appln. No.: 10/604,920

Filed: August 27, 2003

For: BREATH FRESHENING AND ORAL  
CLEANSING PRODUCT USING  
CARVACROL

Examiner:

Art Unit: 2626

Attorney Docket No: 1391/1604

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Information Disclosure Statement, PTO Form 1449 listing references A1-A77, and copies of references A51-A-77.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Steven P. Shurtz  
Steven P. Shurtz (Reg. No. 31,424)

June 14, 2006

Date



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: JAMES R. MAXWELL ET AL.

Appln. No.: 10/604,920

Filed: August 27, 2003

For: BREATH FRESHENING AND  
ORAL CLEANSING PRODUCT  
USING CARVACROL

Examiner:

Art Unit: 2626

Attorney Docket No: 1391/1604

### INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97( ), Applicants hereby cite the following references:

#### U.S. PATENT DOCUMENTS

DOCUMENT NUMBER <small>Number/Kind Code (if known)</small>	DATE	NAME
1,056,212	03/18/1913	Puetzer, et al.
3,452,138	06/24/1969	Granatek et al.
4,131,687	12/26/1978	Mussinán et al.
4,312,766	01/26/1982	Mussinán et al.
4,351,347	09/28/1982	Sprecker et al.
4,547,361	10/15/1985	Steltenkamp et al.
4,562,020	12/31/1985	Hijiya et al.
4,568,560	02/04/1986	Schobel, Alexander M.
4,626,427	12/02/1986	Wienecke et al.
4,775,537	10/04/1988	Calabro et al.
4,820,544	04/11/1989	Barcelon et al.
4,971,806	11/20/1990	Cherukuri et al.
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5,458,890	10/17/1995	Williford et al.
5,487,902	01/30/1996	Andersen et al.
5,626,837	05/06/1997	Shimada et al.
5,900,230	05/04/1999	Cutler
5,939,050	08/17/1999	Iyer et al.
5,948,430	09/07/1999	Zerbe et al.
6,177,096	01/23/2001	Zerbe et al.
6,248,309 B1	06/19/2001	Iyer et al.
6,280,751 B1	08/28/2001	Fletcher et al.
6,284,264 B1	09/04/2001	Zerbe et al.
6,365,215 B1	04/02/2002	Grainger et al.
6,495,512 B1	12/17/2002	White et al.
6,500,406	12/31/2002	Rajaiah et al.

## U.S. PATENT DOCUMENTS

DOCUMENT NUMBER <small>Number/Kind Code (if known)</small>	DATE	NAME
6,500,409 B1	12/31/2002	Scherl et al.
6,552,024 B1	04/22/2003	Chen et al.
6,582,735 B2	06/24/2003	Stogniew et al.
6,596,298	07/22/2003	Leung et al.
6,656,493 B2	12/02/2003	Dzija et al.
6,689,342 B1	02/10/2004	Pan et al.
6,703,000 B2	03/09/2004	Ning et al.
6,740,332	05/25/2004	Zyck et al.
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US 2003/0224090	12/04/2003	Pearce et al.
US 2004/0086546 A1	05/06/2004	Maxwell et al.
US 2004/0107971	06/10/2004	De, Abhijit
US 2004/0253189 A1	12/16/2004	Maxwell et al.
US 2004/0253190 A1	12/16/2004	Maxwell et al.
US 2004/0253191 A1	12/16/2004	Maxwell et al.
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US 2004/0253278 A1	12/16/2004	Maxwell et al.
US 2004/0258733 A1	12/23/2004	Maxwell et al.
US 2005/0013902	01/20/2005	Pearce, Tony M.
US 2005/0112217	05/26/2005	Khoo

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER <small>Number/Kind Code (if known)</small>	DATE	COUNTRY
CN 1,073,410 C	10/24/2001	China
CN 1,094,895 A	11/16/1994	China
CN 1,096,694 A	12/28/1994	China
CN 1,096,699 A	12/28/1994	China
CN 1,141,194 A	01/29/1997	China
CN 1,115,212 A	01/24/1996	China
CN 1,127,136 A		China
CN 1,380,079	11/20/2002	China
1996/0007923		Korea
2002-0003413	01/12/2002	Korea
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JP 1132337	05/24/1989	Japan
JP 57085319 A	05/1982	Japan
1,311,060	03/21/1973	Great Britain
EP 1 178 736	02/18/2004	EPO
WO 93/15116	8/1993	WIPO
WO 97/35599	10/02/1997	WIPO
WO 99/18940	04/1999	WIPO

**FOREIGN PATENT DOCUMENTS**

<b>DOCUMENT NUMBER</b> <small>Number/Kind Code (If known)</small>	<b>DATE</b>	<b>COUNTRY</b>
WO 99/51093	10/14/1999	WIPO
WO 00/42992	07/27/2000	WIPO
WO 01/82922	11/08/2001	WIPO
WO 01/85116 A2	11/2001	WIPO
WO 02/91848 A1	11/21/2002	WIPO
WO 02/43657 A2	06/06/2002	WIPO
WO 2004/073670	02/02/2004	WIPO
WO 2004/073672	02/02/2004	WIPO

**OTHER ART – NON PATENT LITERATURE DOCUMENTS**

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume/issue number(s), publisher, city and/or country where published.

Al/Zuhair et al., *Pharmacological Studies of Cardamon Oil in Animals*. Pharmacological Research, Vol. 34, No. 1 /2, 1996.

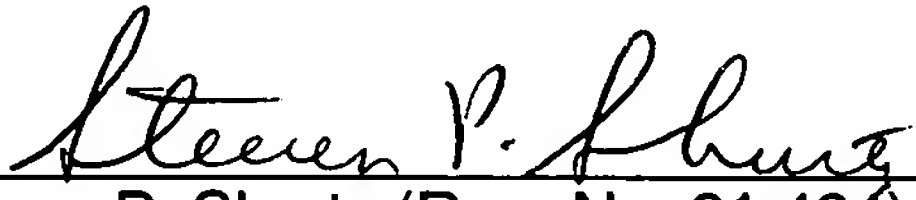
Applicants are enclosing Form PTO-1449 (three sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Applicants respectfully request the Examiner's consideration of the above references and entry thereof into the record of this application.

A translation into English of most of the foreign language documents is being provided. For documents A57, A58 and A61-A63, only an abstract of the document in English is available to Applicants. For document A59, only a translation into English of the claims is available to Applicants. These partial translations provide information as to the relevance of these documents as best known to Applicants and their attorney.

Applicants have calculated no fee to be due upon filing this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the accompanying Transmittal.

Respectfully submitted,

June 14, 2006  
Date

  
\_\_\_\_\_  
Steven P. Shurtz (Reg. No. 31,424)



FORM PTO-1449	SERIAL NO. 10/604,920	CASE NO. 1391/1604
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE August 27, 2003	GROUP ART UNIT 2626
(use several sheets if necessary)	APPLICANT(S): J.R. MAXWELL ET AL.	

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number/Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	1,056,212	03/18/1913	Puetzer, et al.		
	A2	3,452,138	06/24/1969	Granatek et al.		
	A3	4,131,687	12/26/1978	Mussinan et al.		
	A4	4,312,766	01/26/1982	Mussinan et al.		
	A5	4,351,347	09/28/1982	Sprecker et al.		
	A6	4,547,361	10/15/1985	Steltenkamp et al.		
	A7	4,562,020	12/31/1985	Hijiya et al.		
	A8	4,568,560	02/04/1986	Schobel, Alexander M.		
	A9	4,626,427	12/02/1986	Wienecke et al.		
	A10	4,775,537	10/04/1988	Calabro et al.		
	A11	4,820,544	04/11/1989	Barcelon et al.		
	A12	4,971,806	11/20/1990	Cherukuri et al.		
	A13	5,149,521	09/22/1992	Hirose et al.		
	A14	5,458,890	10/17/1995	Williford et al.		
	A15	5,487,902	01/30/1996	Andersen et al.		
	A16	5,626,837	05/06/1997	Shimada et al.		
	A17	5,900,230	05/04/1999	Cutler		
	A18	5,939,050	08/17/1999	Iyer et al.		
	A19	5,948,430	09/07/1999	Zerbe et al.		
	A20	6,177,096	01/23/2001	Zerbe et al.		
	A21	6,248,309 B1	06/19/2001	Iyer et al.		
	A22	6,280,751 B1	08/28/2001	Fletcher et al.		
	A23	6,284,264 B1	09/04/2001	Zerbe et al.		
	A24	6,365,215 B1	04/02/2002	Grainger et al.		
	A25	6,495,512 B1	12/17/2002	White et al.		
	A26	6,500,406	12/31/2002	Rajaiah et al.		
	A27	6,500,409 B1	12/31/2002	Scherl et al.		
	A28	6,552,024 B1	04/22/2003	Chen et al.		
	A29	6,582,735 B2	06/24/2003	Stogniew et al.		
	A30	6,596,298	07/22/2003	Leung et al.		
	A31	6,656,493 B2	12/02/2003	Dzija et al.		
	A32	6,689,342 B1	02/10/2004	Pan et al.		
	A33	6,703,000 B2	03/09/2004	Ning et al.		
	A34	6,740,332	05/25/2004	Zyck et al.		
	A35	US 2001/0018043	08/30/2001	Henning et al.		
	A36	US 2001/0022964 A1	09/20/2001	Leung et al.		
	A37	US 2002/0131990 A1	09/19/2002	Barkalow et al.		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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	A38	US 2003/0008062 A1	01/09/2003	Day et al.		
	A39	US 2003/0007997 A1	01/09/2003	Lawlor		
	A40	US 2003/0224090	12/04/2003	Pearce et al.		
	A41	US 2004/0086546 A1	05/06/2004	Maxwell et al.		
	A42	US 2004/0107971	06/10/2004	De, Abhijit		
	A43	US 2004/0253189 A1	12/16/2004	Maxwell et al.		
	A44	US 2004/0253190 A1	12/16/2004	Maxwell et al.		
	A45	US 2004/0253191 A1	12/16/2004	Maxwell et al.		
	A46	US 2004/0253192 A1	12/16/2004	Maxwell et al.		
	A47	US 2004/0253278 A1	12/16/2004	Maxwell et al.		
	A48	US 2004/0258733 A1	12/23/2004	Maxwell et al.		
	A49	US 2005/0013902	01/20/2005	Pearce, Tony M.		
	A50	US 2005/0112217	05/26/2005	Khoo		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number/Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A51	CN 1,073,410 C	10/24/2001	China		Yes
	A52	CN 1,094,895 A	11/16/1994	China		Yes
	A53	CN 1,096,694 A	12/28/1994	China		Yes
	A54	CN 1,096,699 A	12/28/1994	China		Yes
	A55	CN 1,141,194 A	01/29/1997	China		Yes
	A56	CN 1,115,212 A	01/24/1996	China		Yes
	A57	CN 1,127,136 A		China		Abstract
	A58	CN 1,380,079	11/20/2002	China		Abstract
	A59	1996/0007923		Korea		Claims
	A60	2002-0003413	01/12/2002	Korea		Yes
	A61	Sho/84/175422	10/04/1984	Japan		Abstract
	A62	JP 1132337	05/24/1989	Japan		Abstract
	A63	JP 57085319 A	05/1982	Japan		Abstract
	A64	1,311,060	03/21/1973	Great Britain		
	A65	EP 1 178 736	02/18/2004	EPO		
	A66	WO 93/15116	8/1993	WIPO		
	A67	WO 97/35599	10/02/1997	WIPO		
	A68	WO 99/18940	04/1999	WIPO		
	A69	WO 99/51093	10/14/1999	WIPO		
	A70	WO 00/42992	07/27/2000	WIPO		
	A71	WO 01/82922	11/08/2001	WIPO		
	A72	WO 01/85116 A2	11/2001	WIPO		
	A73	WO 02/91848 A1	11/21/2002	WIPO		
EXAMINER			DATE CONSIDERED			

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	A74	WO 02/43657 A2	06/06/2002	WIPO		
	A75	WO 2004/073670	02/02/2004	WIPO		
	A76	WO 2004/073672	02/02/2004	WIPO		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume/issue number(s), publisher, city and/or country where published.)	
	A77	Al/Zuhair et al., <i>Pharmacological Studies of Cardamon Oil in Animals</i> . Pharmacological Research, Vol. 34, No. 1 /2, 1996.

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